

LINDA MILLER SAVITT, SBN 94164
lsavitt@brgslaw.com
JOHN J. MANIER, SBN 145701
jmanier@brgslaw.com
LINDA B. HUREVITZ, SBN 127337
lhurevitz@brgslaw.com
BALLARD ROSENBERG GOLPER & SAVITT, LLP
15760 Ventura Boulevard, Eighteenth Floor
Encino, California 91436
T: (818) 508-3700 | F: (818) 506-4827

Attorneys for Defendants BRANT PUTNAM,
M.D., JANINE VINTCH, M.D., ANISH
MAHAJAN, M.D., CHRISTIAN DE VIRGILIO,
M.D., HAL F. YEE, M.D., ROGER LEWIS, M.D.,
and MITCHELL KATZ, M.D.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

TIMOTHY D. RYAN, M.D., an
individual,

Plaintiff,

vs.

BRANT PUTNAM, M.D., an
individual, JANINE VINTCH, M.D., an
individual, ANISH MAHAJAN, M.D.,
an individual, CHRISTIAN DE
VIRGILIO, M.D., an individual, HAL
F. YEE, M.D., an individual, ROGER
LEWIS, M.D., an individual, and
MITCHELL KATZ, M.D., an
individual,

Defendants.

Case No. 2:17-cv-05752-CAS-RAO

[*Hon. Christina A. Snyder*]

**SUPPLEMENTAL DECLARATION
OF JOHN J. MANIER**

Action Filed: August 3, 2017
Trial Date: April 26, 2022

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1 I, John J. Manier, declare as follows:

2 1. I have personal knowledge of the facts set forth herein, which are
3 known by me to be true and correct, and if called as a witness, I could and would
4 competently testify thereto.

5 2. I am a member of the State Bar of California and am admitted to
6 practice as an attorney before the Supreme Court of the United States, the United
7 States Courts of Appeals for the Third, Ninth, Tenth, and District of Columbia
8 Circuits, and all state and federal courts in California. I am a Senior Counsel with
9 the law firm of Ballard Rosenberg Golper & Savitt, LLP, counsel of record for all
10 Defendants in the above-captioned lawsuit filed by Plaintiff Timothy Ryan, M.D.

11 3. Attached to this declaration are relevant excerpts from the following
12 depositions taken in the above-captioned matter:

- 13 ● Timothy D. Ryan, M.D., taken by Defendants on March 18, 2021
- 14 ● Brant Putnam, M.D., taken by Plaintiff on October 22, 2021
- 15 ● Christian de Virgilio, M.D., taken by Plaintiff on October 26, 2021

16 4. As stated in my Declaration of October 29, 2021, Ballard Rosenberg
17 Golper & Savitt, LLP, also serves as counsel of record for Defendant County of Los
18 Angeles (the “County”) in another lawsuit filed by Dr. Ryan on January 8, 2016,
19 currently pending in the Superior Court of California, County of Los Angeles, No.
20 BC606535. I have worked on Dr. Ryan’s state court lawsuit and am therefore
21 familiar with the documents produced and exhibits marked for trial by the parties.

22 ///

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1 5. None of the parties to the above-captioned lawsuit or Dr. Ryan's state
2 court lawsuit have produced a signed version of Medical Executive Committee
3 ("MEC") meeting minutes for September 28, 2015. Our firm and our clients have
4 searched extensively for signed versions of minutes for all MEC meetings produced
5 in the above-captioned lawsuit and in the state court lawsuit, but have been unable
6 to locate a signed version of the minutes for September 28, 2015.

7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct.

9 Executed on November 22, 2021, at Sherman Oaks, California.

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John J. Manier

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

TIMOTHY D. RYAN, M.D., an)
individual,)
Plaintiff,)
vs.)No.
2:17-cv-05752-CAS-RAO
BRANT PUTNAM, M.D., an)
individual, et al.,)
Defendants.)
-----)

REMOTE VIDEOTAPED DEPOSITION OF
TIMOTHY J. RYAN, M.D.
Los Angeles, California
Thursday, March 18, 2021
Volume I

Reported by:
NANCY A. MORROW
CSR No. 11977
Job No. 4462534

PAGES 1 - 315

1 the date of August -- of January 30th, 2015, was
2 that document ever given to you?

3 A It was shown to me but not given to me.

4 Q Okay. Did you ever --

5 A I take that back. No, I got it through 11:34:22
6 discovery in the state case eventually.

7 Q Okay. Did you ever request a list or an
8 ORSOS report for patients in 2015 or 2014?

9 A In 2014, yes; in 2015, no.

10 Q Okay. So when in 2014 did you request a list 11:34:54
11 of patients?

12 A Twice.

13 (Discussion off the record.)

14 BY MS. SAVITT:

15 Q Okay. So when in 2014 did you request a list 11:35:16
16 of patients?

17 A When I was preparing my own paperwork for the
18 BEST-CLI trial, I went to the surgery scheduling
19 office and asked for all of my cases from October
20 2013 through October 2014, so it would have been end 11:35:53
21 of October or early November, sometime in that time
22 frame.

23 Q Okay. Did you ask for it orally or in
24 writing?

25 A Orally. 11:36:08

1 Q Did you provide anybody any documentation of
2 what you were looking for?

3 A No, I just said I want all my cases.

4 Q Who did you speak to?

5 A Her first name was Cathy. I think it's 11:36:21
6 Cathy. She was Amanda's boss. I can't remember her
7 last name, Amanda's boss.

8 Q Okay. And --

9 A -- she's a supervisor in the surgery
10 scheduling office. 11:36:41

11 Q Okay. So the -- and what was the purpose of
12 requesting all your surgery cases?

13 A Well one purpose is to maintain
14 certification. A surgeon needs to keep a case log
15 and submit it to the American Board of Surgery to 11:37:10
16 maintain your board certification. And another
17 purpose was to count my cases to be sure that I had
18 the requisite number of open and endovascular cases
19 to qualify to enroll patients in the BEST-CLI trial.

20 Q Okay. And what was the other purpose, if 11:37:31
21 any, for asking for all your cases?

22 A I told you the two purposes. That was it.

23 Q Okay. Did you ask for any cases prior to
24 your start date at Harbor-UCLA?

25 A No. 11:37:48

1 Q Okay. What were you given when --

2 A So there were two requests. Are you talking
3 about the first request or the second request?

4 Q Let's start with the first request.

5 A So the first request, I received an 80-page 11:38:02
6 document that had 335 cases done by me.

7 Q Okay. And the second request, what did you
8 get?

9 A The second request, I went to Amanda and I
10 asked her if she could run a list based on the CPT 11:38:20
11 codes that would qualify anybody to participate in
12 BEST-CLI and give me a total of the number of cases
13 done.

14 MS. SAVITT: Okay. Okay. Let's go off the
15 record for just a second. Okay. Let me see if I 11:38:40
16 can figure out what's going on here and then --

17 Is that okay with you, Ken?

18 MR. WHITE: Of course.

19 MS. SAVITT: Okay. Thanks.

20 THE VIDEOGRAPHER: Okay. We're going off the 11:38:47
21 record. The time is 11:38 a.m.

22 (Recess.)

23 THE VIDEOGRAPHER: Okay. We're back on the
24 record at 11:43 a.m.

25 BY MS. SAVITT: 11:43:19

1 Q Dr. Ryan, I'm going to put up an exhibit.

2 I'm going to see if this works.

3 A Okay.

4 Q Do you see that?

5 A I do.

11:43:24

6 Q Do you know what this --

7 Let's mark this as Exhibit 1.

8 (Exhibit 1 was marked for identification

9 by the court reporter and is attached hereto.)

10 BY MS. SAVITT:

11:43:30

11 Q Do you know what this document is?

12 A Yes.

13 Q What is this exhibit? What is Exhibit 1?

14 A So that document appears to be a copy of a

15 list that I gave Amanda in the fall of 2014.

11:43:42

16 Q Okay. And what was the purpose -- now that

17 we have it on the screen, I can ask a more

18 intelligible question.

19 What was the purpose of giving her this list

20 of CPT codes?

11:44:03

21 A To confirm my suspicion or confirm my

22 knowledge, provide proof of the fact that Dr. White

23 and Dr. Donayre were unqualified to enroll patients

24 in the BEST-CLI trial, to protect patients from them

25 enrolling patients.

11:44:30

1 Q Why did you think they were unqualified to
2 enroll patients in the BEST trial?

3 A Because I had been there and I had operated
4 with both of them and I knew that the BEST trial had
5 very strict case volume requirements and I knew that 11:44:45
6 neither of them did any of the procedures that would
7 qualify them for the endovascular arm and I knew
8 that Dr. White hadn't done any of the open surgical
9 cases in the last year and I suspected, and was
10 proven right, that he hadn't done enough over the 11:45:11
11 previous two or five years to qualify.

12 Q So why didn't you just go to Dr. White and
13 say have you done these procedures? You know, I'm
14 curious. Why didn't you just go ask him?

15 A I didn't use those words, but I did go to 11:45:30
16 him.

17 Q Okay. What did he say?

18 A I went to him -- what did he say? He said
19 something -- it was in -- I think it was an e-mail
20 and he said something like, well, we'll just get the 11:45:43
21 trial up and running and see what happens.

22 Q So why didn't you say but you haven't done
23 these procedures?

24 A I did.

25 Q And what did he say in response to that? 11:45:58

1 A He said, "Let's just get the trial up and
2 running and we'll see what happens."

3 Q And you didn't pursue it further?

4 A He was my boss. He had demon- -- he had
5 shown me that he didn't want to have that 11:46:08
6 discussion.

7 Q He was also a peer, wasn't he, Doctor?

8 A He was, but he was my boss.

9 Q So you went back to 2012. What did you get
10 in response to giving Amanda this document? 11:46:23

11 A Well, initially I got nothing because there
12 are actually two versions of that document in front
13 of you. The first document was just the typewritten
14 text on the left with the black line in the middle
15 and it says "Bypasses" and then "Endovascular" 11:46:42
16 below.

17 Q Okay.

18 A And those -- I think they're five digits. I
19 don't have my cheaters. Are those five-digit
20 numbers? 11:46:54

21 Q Yes, they are five digits.

22 A So those five-digit numbers are CPT codes,
23 which is current procedural technique, which is a
24 number that's generated by the American Medical
25 Association and is used by most insurance companies 11:47:04

1 and Medicare to identify procedures to determine
2 reimbursement both for hospital stays and for
3 physicians. And so I gave her those codes because
4 those are the universally used codes and she came
5 back with nothing, which I was puzzled by because I 11:47:22
6 had -- I knew that I had done a lot of these
7 procedures in the last year.

8 And she said, "Well, that's because we use
9 our own codes here. We don't use the CPT codes."
10 And then she gave me a catalogue of the Harbor codes 11:47:37
11 with the description, and so I translated from the
12 CPT code on the left that you see there into those
13 handwritten numbers on the right. Those are the
14 Harbor codes.

15 Q Okay. And then what did you do with the 11:47:52
16 Harbor codes?

17 A I gave them to Amanda.

18 Q Okay. And after -- you have to help me
19 because I don't really know all this medical jargon
20 stuff. 11:48:11

21 So what did you ask her to do with this --
22 with the handwritten Harbor codes?

23 A I said, "Can you tell me how many of these
24 cases have been done?"

25 Q And you wanted it by all physicians, right? 11:48:26

1 A Yes.

2 Q And what did you get in response?

3 A Well, she said she couldn't -- she didn't

4 have a way or she didn't know how to manipulate the

5 system to get me just a case count, so she gave me a 11:48:39

6 list of -- I think it was 12 pages long -- 111 --

7 111 patients, if my memory serves me correctly.

8 Q And what did the 12 pages look like?

9 A It looked like the same sort of format as

10 White's fraudulent leader list. 11:49:08

11 Q Do you still have that document?

12 A Yes.

13 Q And was it an ORSOS quality assessment and

14 research management report?

15 A I don't know how it was labeled, but it 11:49:26

16 looked the same format as the January 30th report.

17 Q Okay. So let me go to --

18 MR. WHITE: While you're doing that, was I
19 hearing a rooster earlier?

20 THE WITNESS: Yes. 11:49:51

21 MR. WHITE: Oh, thank god. I thought I was
22 having a stroke.

23 THE WITNESS: Sorry. I'm used to it now.

24 MS. SAVITT: Okay. Let's mark this as

25 Exhibit 2. 11:50:03

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

TIMOTHY RYAN, M.D., AN INDIVIDUAL,)
)
PLAINTIFF,) CASE NO.
) 2:17-cv-05752-
VS.) CAS(RAOx)
)
)
BRANT PUTNAM, M.D., AN INDIVIDUAL,)
JANINE VINTCH, M.D., AN INDIVIDUAL,)
ANISH MAHAJAN, M.D., AN INDIVIDUAL,)
CHRISTIAN DE VIRGILIO, M.D., AN)
INDIVIDUAL, HAL F. YEE, M.D., AN)
INDIVIDUAL, ROGER LEWIS, M.D., AN)
INDIVIDUAL, AND MITCHELL KATZ, M.D.,)
AN INDIVIDUAL,)
)
DEFENDANTS.)

DEPOSITION OF BRANT PUTNAM, M.D.
FRIDAY, OCTOBER 22, 2021

LOCATION: REMOTE PROCEEDING - CALIFORNIA

REPORTED REMOTELY BY: SUSAN S. HENRIQUEZ, CERTIFIED
SHORTHAND REPORTER NO. 13763

JOB NO. 4849701

1 say these are the minutes for this month, can you file
2 them.

3 Q All right. And where would they then be kept or
4 maintained?

5 A As far as I know in the medical staff office
6 somewhere.

7 Q All right. Can you please look at Exhibit 360.
8 (Whereupon Previously Marked Exhibit No. 360 was discussed
9 and is attached hereto)

10 THE WITNESS: Yes, I have it.

11 BY MR. WHITE:

12 Q Okay. So 360 is an e-mail from you to Dr. Vintch
13 in December 2016; correct?

14 A Yes.

15 Q And you say can you look over these executive
16 session minutes for September 2015 to October 2016. I
17 only included the months that we had executive sessions
18 and talked about Dr. Ryan. I will sign them and send them
19 to the attorneys once you look them over.

20 Do you recall why you needed to send this, what
21 the occasion for doing this was?

22 A Let's see this was in December 2016, I don't
23 specifically remember. But clearly one of the attorneys,
24 either on the LA County side or the outside attorneys, was
25 requesting that we produce these.

1 Q Okay. So if you scroll down a bit, these minutes
2 appear not to be signed; correct?

3 A The ones I'm seeing, correct, have not been
4 signed.

5 Q Okay. So what would be the purpose of Dr. Vintch
6 looking them over?

7 A Again, same as I mentioned before, that to the
8 best of both of our recollections, that they're accurate
9 with regard to the content of the meeting, the accuracy of
10 how things were presented in any discussion or actions
11 that we took as well as sort of the grammar.

12 Q Okay.

13 A You know other aspects.

14 Q But this is being sent in December 2016; right?

15 A Yes.

16 Q For minutes going back to September 2015?

17 A Right.

18 Q So wouldn't that already have been done as to all
19 those minutes?

20 A It should have been but as I stated before there
21 was a lot of variability and moving people in a medical
22 staff office so I would surmise that there was probably
23 some difficulties in locating the minutes from the medical
24 staff office. I don't know. But I was providing what I
25 thought were the accurate minutes at that time to Dr.

1 Vintch to make sure these were indeed accurate.

2 Q Okay. So did you yourself search for the minutes
3 or did you task someone to do it?

4 A I'm sorry. I'm not understanding. Search what?

5 Q Well, did you yourself look around in the medical
6 staff office to try to find the minutes in order to
7 produce them?

8 A I didn't personally, no.

9 Q Did you instruct someone else to do that?

10 A I might have. I don't specifically recall.

11 Q Okay. And as to these minutes, do you know
12 whether or not there were prior signed versions?

13 A I don't know.

14 Q Okay. Do you know whether or not you had
15 previously gone over these with Dr. Vintch for accuracy,
16 et cetera?

17 A I don't specifically recall. I think that was
18 part of the frustration, is I couldn't get a straight
19 answer one way or another about whether -- what minutes
20 were what meetings and did we have those finalized and on
21 file. And somebody was now asking us for them, so I was
22 honestly trying to do my best to provide what I had and
23 making sure with Dr. Vintch that they were accurate and
24 sending them to whomever was asking for them.

25 Q All right. Once you pulled these minutes and

1 shared them with Dr. Vintch, do you recall if she made
2 changes to them?

3 A I don't honestly recall.

4 Q All right. Did you make changes to them at this
5 time in December of 2016?

6 A I don't recall that either, to be honest with
7 you.

8 Q All right. Let's take our lunch break here.

9 (Luncheon recess from 12:15 to 12:40 p.m. PDT)

10 BY MR. WHITE:

11 Q Okay. Doctor, would you please turn to
12 Exhibit 361 and let me know when you're there, please.
13 (Whereupon Previously Marked Exhibit No. 361 was discussed
14 and is attached hereto)

15 THE WITNESS: Okay, I'm here.

16 BY MR. WHITE:

17 Q All right. So this appears to be an e-mail from
18 you and Patricia Arevalo. Is she with the medical staff
19 office?

20 A Yes.

21 Q All right and this is December 18 2016 so this is
22 after you had circulated the minutes to Dr. Vintch;
23 correct?

24 A Yes.

25 Q As I recall you couldn't remember whether or not

1 remember the date at which -- you know, some of that
2 information, I believe that was in early 2016 that we came
3 to -- or I came to know about some of that information.

4 BY MR. WHITE:

5 Q All right. So the next section talks about a
6 Luis Valentin, the Harbor UCLA HIPAA privacy officer?

7 A Yes.

8 Q Now, he did two different HIPAA inquiries, didn't
9 he?

10 MS. HUREVITZ: Who?

11 MR. WHITE: Dr. Valentin, the person I just asked
12 about.

13 MS. HUREVITZ: Calls for speculation. Lacks
14 foundation.

15 THE WITNESS: To the best of my knowledge he did
16 an initial investigation and did some further
17 investigation. I don't know if it was separate or not.
18 You would have to ask him that.

19 BY MR. WHITE:

20 Q Okay. Well the result of the initial
21 investigation there was a finding there was no HIPAA
22 violation; correct?

23 A I did see a preliminary report at some point
24 that, yes, that that was accurate.

25 Q All right. So in this discussion here of

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

TIMOTHY RYAN, M.D.,)
)
Plaintiff,)
) Case No.
vs.) 2:17-CV-05752
) CAS(RAOx)
BRANT PUTNAM, M.D., an)
individual; JANINE VINTCH, M.D.)
an individual, ANISH MAHAJAN,)
M.D., an individual, CHRISTIAN)
DE VIRGILIO, M.D., an)
individual, HAL F. YEE, M.D.,)
an individual, ROGER LEWIS, M.D.)
an individual, and MITCHELL)
KATZ, M.D., an individual,)
)
Defendants.)
_____)

DEPOSITION OF CHRISTIAN De VIRGILIO, M.D.
TUESDAY, OCTOBER 26, 2021

JOB NO.: 4849715
REPORTED BY TARA SANDFORD, CSR NO. 3374, RPR
PAGES 1 - 182

1 document?

2 A. I'm not sure what that means.

3 MS. HUREVITZ: Objection; assumes facts not in
4 evidence, that Dr. White made claims about when this
5 document was printed.

6 Q. BY MR. WHITE: I didn't catch your answer,
7 Doctor.

8 A. I'm not really sure what you're asking.

9 Q. Dr. White's initial email making his complaint
10 was on January 26, 2015; correct?

11 A. I don't know. I'd have to --

12 Q. Let's go back to Exhibit 340.

13 A. Yeah.

14 Q. Do you have Exhibit 340?

15 A. It's twirling. Okay. Right.

16 So the date here is January 26, 2015. Okay.

17 Q. Okay. So that's his initial complaint;
18 correct?

19 MS. HUREVITZ: Well, I'm going to object that
20 misstates the evidence.

21 Q. BY MR. WHITE: Doctor, do you have an answer?

22 A. I don't know this is the initial complaint.
23 All I know is there is a complaint here. I can say
24 there is a complaint here on the 26th.

25 Q. And then the document we were just looking at,

1 Exhibit 341, is an email dated February 4 with
2 attachments; correct?

3 A. Correct.

4 Q. And on the last page of that exhibit is the
5 printout we were just talking about; correct?

6 A. There's a date down there.

7 Q. Yes. And that date, 1/30/15, is after the date
8 of Dr. White's initial email that we just looked at?

9 MS. HUREVITZ: The document will speak for
10 itself.

11 Q. BY MR. WHITE: Is that correct, Doctor?

12 A. If you're just asking me is the date
13 1/30/15 after the date 1/26/15, yes. That date is a
14 different date, and it is after the other date.

15 Q. Did you ever investigate or consider how this
16 document could be something produced at Dr. Ryan's
17 request if -- as Dr. Ryan was complaining if it was
18 produced after Dr. Ryan complained?

19 A. I'm confused by the question.

20 Q. Dr. White was complaining about some things Dr.
21 Ryan did; right?

22 A. Yes.

23 Q. And this document is dated after he submitted
24 his complaint; correct?

25 A. Okay.

1 Q. Did you ever investigate whether this could
2 possibly be something Dr. Ryan had asked for before the
3 26th when it is dated on the 30th?

4 A. The document was sent to HR, so it wasn't my
5 role at that point to investigate. And I don't know
6 that I saw that there was a date at the bottom.

7 Q. Did it ever become part of your role to
8 investigate any of these allegations in this complaint
9 package from Dr. White?

10 MS. HUREVITZ: Objection; the question is
11 overbroad; vague and ambiguous.

12 If you can answer it, go ahead.

13 THE WITNESS: As I understand, this complaint
14 was submitted to HR. And I would expect that HR would
15 do the investigation.

16 Q. BY MR. WHITE: Did you do anything to counsel
17 Dr. Ryan about any of the issues reflected in this
18 complaint at this time?

19 A. I would have to read through the whole detail
20 and then think about it.

21 Do you want me to do that?

22 Q. Well, let's --

23 A. I would have to go back to it and read -- you
24 didn't give me a chance to read through it.

25 Q. Okay. Why don't you read Bates number pages

1 623 to 633 is the narrative on Exhibit 341. It's under
2 the label, "Invasion of privacy report." If you would
3 like to read that, then I'll re-ask the question.

4 A. I keep having trouble. This whole thing just
5 keeps --

6 MS. HUREVITZ: Let me show you. Are you in
7 Exhibit 341? Go back to 340 -- you are in Exhibit 341;
8 right, Ken?

9 MR. WHITE: Yes.

10 MS. HUREVITZ: 341.

11 MR. WHITE: Correct.

12 THE WITNESS: What is your question now then?

13 Q. BY MR. WHITE: My question was, did you counsel
14 Dr. Ryan about any of these issues as a result of
15 receiving this complaint?

16 A. I don't believe that I counseled him, no, as a
17 result of this complaint.

18 Q. And when you became chair, did you begin to
19 counsel him about the --

20 A. Counsel who?

21 Q. Did you begin to counsel Dr. Ryan about the
22 anger issues that you described earlier?

23 A. I do know at one point I spoke to him about his
24 sometimes explosive temper by offering to send him a
25 book to try to help with being more positive. And I

1 tried to talk to him about it, but there wasn't -- there
2 wasn't sort of a formal counsel.

3 Q. Did you offer him the book and try to talk to
4 him in the context of telling him that his behavior was
5 a problem?

6 A. I remember that he told me that he wasn't able
7 to be like me in terms of holding things in. And I
8 tried to talk to him about just being a little more,
9 sort of, collaborative.

10 Q. But my question was, in these discussions
11 you're describing, did you tell him that his behavior
12 was a problem that needed to be corrected?

13 MS. HUREVITZ: More than what he already
14 testified to?

15 MR. WHITE: More than what he's already
16 testified to.

17 THE WITNESS: I think, again, these were -- one
18 has to -- I tried once to also -- I don't remember the
19 date -- to meet with him to go over his teaching
20 evaluations. This was probably later because he had a
21 lot of negative teaching evaluations from the medical
22 students. And it was challenging to provide counseling
23 because he would get angry and sort of flip the script,
24 so to speak.

25 So when I met with him to go over his medical

1 school student evaluations, he basically said I don't
2 want to hear about it. And he began to talk about the
3 lawsuit instead, and basically warned me I should get my
4 own personal attorney because things were not looking
5 good for me.

6 Q. BY MR. WHITE: When you say talking about the
7 lawsuit, about a lawsuit that he had brought?

8 A. Yes.

9 Q. This discussion you're describing now was after
10 he had sued; is that correct?

11 A. I believe it was after the county lawsuit.

12 Q. All right. Thank you.

13 MR. WHITE: Next I'd like you, please, to look
14 at Exhibit 350.

15 (Whereupon, Exhibit 350 was marked
16 for identification by the Court Reporter
17 and attached hereto.)

18 THE WITNESS: Okay.

19 Q. BY MR. WHITE: So --

20 A. This is the one from September 2?

21 Q. Yes. Starting from the bottom, there is an
22 email from Dr. White to a number of people cc'd to you,
23 correct, dated August 25, 2015?

24 A. Yes.

25 Q. It says it is "attaching a request for

1 A. He doesn't -- he didn't answer.

2 Q. Did you report that incident to anyone?

3 A. No.

4 Q. What's the next instance you can remember when
5 you are talking about other instances about his temper?

6 A. At conferences he would get very angry if
7 people disagreed with his approach. He would,
8 basically, kind of dominate the conversation, and put
9 down other people who disagreed with his approach to
10 doing things.

11 Q. First of all, so we're clear, tell me what you
12 mean by --

13 A. Can I apologize? I have been drinking a lot of
14 water. I need to take a little restroom break.

15 MR. WHITE: Five minutes?

16 MS. HUREVITZ: Yes.

17 MR. WHITE: Thank you.

18 Off the record, please.

19 (Recess taken at 11:33 a.m. - 11:38 a.m.)

20 MR. WHITE: Would you read back the last
21 question and answer?

22 (Record read as follows:

23 "Q What's the next instance

24 you can remember when you are

25 talking about other instances

1 about his temper?

2 "A At conferences he would get
3 very angry if people disagreed
4 with his approach. He would,
5 basically, kind of dominate the
6 conversation, and put down
7 other people who disagreed with
8 his approach to doing things.")

9 Q. BY MR. WHITE: Tell me what you mean by a
10 conference.

11 A. We have a vascular conference. It is a
12 once-a-week Wednesday conference where the vascular
13 surgeons, the residents, and the students, and the
14 nurses usually sit in a room, preCOVID, of course, and
15 then review cases and discuss cases.

16 Q. These were happening before you became chair of
17 the department?

18 A. Yes, these were going on for many years.

19 Q. Did you observe this behavior you described
20 before you became chair?

21 A. Yes.

22 Q. What did you do about this behavior?

23 A. What do you mean?

24 Q. Before you became chair, did you ever report it
25 or ask that someone correct it?

1 A. No.

2 Q. Once you became chair did you take any steps to
3 counsel Dr. Ryan about it?

4 A. Again, as I said before, the times where I told
5 him to sort of take a deep breath, try to be more
6 optimistic, but there were not a series of
7 recommendations, no.

8 Q. I appreciate that you've referred to that
9 before. What I'm wondering is if you ever approached
10 him in the mode of your behavior is a problem; I need
11 you to change it, a directive from his boss.

12 A. You have to recognize that many people were
13 afraid of him. And he would often, if things weren't
14 done as he wanted, he would start issuing threats.

15 Q. Were you afraid of him?

16 A. He was intimidating, yes. I wouldn't say
17 that -- I wouldn't say that I had this fear, but he was
18 very intimidating every time -- not every time, but
19 there were times where I met with him that he would say
20 threatening things, not to my personal health but make
21 threats that I can give you examples of.

22 Q. Yes, let's get the examples. What time period
23 are we talking about here when you're talking about
24 these interactions when he's making threats?

25 A. Throughout his time.

1 Q. Give me some examples of some threats.

2 A. One example is there was a patient that
3 Dr. White and Dr. Donayre, who are two vascular
4 surgeons, were scheduled to do a carotid stent
5 procedure. And the patient was scheduled the following
6 day to go to the operating room. Somehow Dr. Ryan found
7 out that Dr. White and Donayre were planning this
8 operation, which I'm not sure how he came to know it.
9 He also apparently thought this was his patient and they
10 were stealing this patient from him. Keep in mind, we
11 don't get any financial reimbursement for doing the
12 surgery.

13 He came to my office saying this operation
14 needs to be stopped because this is my patient; I should
15 be doing this operation tomorrow.

16 Q. Okay.

17 A. So, I, of course, was concerned about it by the
18 allegation, so I immediately called our CMO to inform
19 him.

20 And I then had to do a quick investigation. So
21 I went to the medical records as the chair and could not
22 find any evidence of Dr. Ryan having been assigned to
23 this patient or by having any notes from him.

24 I then called the referring physician to ask
25 them, "Did you refer this patient to Dr. Ryan?"

1 She said, "No, I referred this patient to the
2 vascular clinic and to Dr. White and Donayre."

3 As we were talking -- before this I was talking
4 to Dr. Ryan, and he said, "If you don't do something
5 about this now, I'm going to go to the L.A. Times and
6 tell them that there's timecard fraud going on here at
7 Harbor."

8 I'm like, "What timecard fraud?"

9 "There are several surgeons who are committing
10 timecard fraud who are not here as much as they are
11 supposed to be. If you don't look at this now and get
12 this stopped, I'm going to go to the L.A. Times."

13 I became anxious. And I am thinking, gee, Drs.
14 White and Donayre have stolen this patient, and I have
15 literally 12 hours or 6 hours to figure this out.

16 I went to the medical record. I spoke to the
17 referral physician. The medical record didn't have a
18 note of Dr. Ryan. The physician said I didn't refer him
19 to Dr. Ryan.

20 I then called -- or I emailed Dr. Ryan back and
21 said, "Based on my investigation, I don't see that you
22 were involved in the care."

23 He said, "Okay, thanks. But I still think it
24 was my patient."

25 And then what happened is Dr. White and Donayre

1 got upset and they said we don't feel comfortable
2 operating tomorrow. We ended up canceling the patient's
3 surgery because they got really distraught at getting
4 accused.

5 Q. Did you take any steps as a result of that
6 incident? For instance --

7 MS. HUREVITZ: I'm sorry. I didn't mean to
8 interrupt you.

9 Q. BY MR. WHITE: As a result of what you just
10 described, did you make any report to anyone about Dr.
11 Ryan?

12 A. Again, I brought this to Dr. -- to the CMO's
13 attention. And again, this may have been something that
14 was discussed at the MEC. I'd have to look back at the
15 notes.

16 Q. You don't have any independent recollection?

17 A. I can't recall at the moment.

18 Q. What's the next instance of him making a
19 threat, the way you used that term, that you can recall?

20 A. Well, he -- one other situation was when one of
21 our new vascular surgeons, her name is Dr. Nina Bowens,
22 when she came aboard, Dr. Ryan was criticizing her in
23 our conferences, would criticize her management and
24 interrupt her as she was trying to talk.

25 And then a patient came in with an injury that

1 saying that.

2 Q. Is it a correct statement of what you feel?

3 A. I don't feel that it was -- no, I don't think
4 it was -- I don't feel that way either, no.

5 Q. So if it wasn't for that purpose, what purpose
6 would you say Dr. Ryan looked at the private patient
7 information for?

8 A. I really can't -- I can't speculate what he's
9 thinking about.

10 Q. All right. The next sentence says, "The NIH
11 subsequently investigated Dr. Ryan's complaint and
12 determined that it was unfounded. And Harbor UCLA
13 continues to take part in the study."

14 Did you tell them that?

15 A. Yeah. I don't recall that either.

16 Q. Do you believe that's correct?

17 A. My understanding was that the study was still
18 going because Dr. Koopman did have provisional --
19 provisional -- my understanding is Dr. Koopman still had
20 provisional approval to do the study, so I thought that
21 the study was still continuing.

22 Q. Did you understand that the investigation
23 determined that some people did not have the
24 qualifications to do the endovascular portion of the
25 study?

1 A. I was aware that some people did not, but I was
2 not aware that the study was halted. Because, as I
3 remember, Dr. Koopman I thought was still doing the
4 study.

5 Q. The next sentence says, "He stated that Dr.
6 Ryan also accused Dr. Koopman of plagiarism and academic
7 fraud on an abstract he submitted from Dr. White's
8 research work, another unfounded complaint."

9 Is that something you told them?

10 A. I may have said to him that Dr. Ryan accused
11 them of plagiarism and fraud. But what I would have
12 said is that this was reported to L.A. BioMed, and that
13 Dr. Ryan was asked by L.A. BioMed to submit a formal
14 complaint, and that Dr. Ryan responded that I will do so
15 when my lawyers are ready to do so.

16 Q. All right.

17 A. I don't -- I don't believe I would have
18 concluded that it was unfounded. It may be them
19 misinterpreting the information I gave them.

20 Q. You are not aware of anyone determining that it
21 was unfounded?

22 A. I don't think -- my recollection was that I
23 submitted the complaint to L.A. BioMed, and then L.A.
24 BioMed asked Dr. Ryan for information. And my
25 understanding is he didn't provide the information is

1 Q. In the middle there is a sentence that says,
2 "This study was stopped before Dr. Ryan's complaint."

3 To the best of your knowledge, is that correct?

4 A. My understanding was that the study was halted
5 so that the folks at NIH could investigate the
6 allegations of whether there was a problem with it.

7 Q. How about the next sentence, "This complaint
8 was investigated and Dr. White was cleared of
9 allegations and Harbor UCLA was approved to continue the
10 research study."

11 Is that, to your knowledge, correct?

12 A. Again, I don't recall the specifics, but my
13 understanding, as I mentioned, I thought we did. In
14 fact, we were still allowed to continue the study
15 because I thought we actually at some point resumed --
16 we did resume the study.

17 Q. Did you have an understanding Dr. White was
18 found not qualified to participate in the study?

19 MS. HUREVITZ: Objection; that misstates the
20 evidence.

21 THE WITNESS: Again, my understanding was that
22 Dr. White was allowed to do one arm of the study but not
23 the other arm. I wasn't aware that he was told that he
24 could not participate.

25 Q. BY MR. WHITE: Let me publish a new exhibit for

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 15760 Ventura Boulevard, Eighteenth Floor, Encino, CA 91436.

On November 22, 2021, I served true copies of the following document(s) described as **SUPPLEMENTAL DECLARATION OF JOHN J. MANIER** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

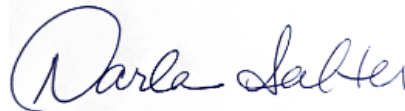
☐ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List. I am "readily familiar" with Ballard Rosenberg Golper & Savitt, LLP's practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Encino, California, on that same day following ordinary business practices.

☐ **BY FEDEX:** I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I deposited such document(s) in a box or other facility regularly maintained by FedEx, or delivered such document(s) to a courier or driver authorized by FedEx to receive documents, in an envelope or package designated by FedEx with delivery fees paid or provided for, addressed to the person(s) being served.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 22, 2021, at Encino, California.



Darla Salter

BALLARD ROSENBERG GOLPER & SAVITT, LLP
15760 VENTURA BOULEVARD, EIGHTEENTH FLOOR
ENCINO, CALIFORNIA 91436

SERVICE LIST

Mark T. Quigley, Esq.
Aaron L. Osten, Esq.
Greene Broillet & Wheeler, LLP
222 No. Pacific Coast Highway, Suite
2100
P.O. Box 955
El Segundo, CA 90245
Telephone: (310) 576-1200
Email: mquigley@gbw.law
aosten@gbw.law

Jeffrey M. Hausman, Esq.
Law Offices of Hausman & Sosa LLP
20750 Ventura Blvd., Suite 105
Woodland Hills, CA 91364
Tel: (818) 654-9000
Fax: (818) 654-9050

e-mail: JHausman@hausmansosa.com

*Attorneys for Defendant
County of Los Angeles*

Courtesy cc:
VWinn@gbw.law

*Attorneys for Plaintiff and Appellant
Timothy Ryan, M.D.*

Stuart Esner, Esq.
Law Offices of Esner, Chang & Boyer
234 E. Colorado Boulevard, Suite 975
Pasadena, CA 91101-2262
Tel.: (626) 535-9860
sesner@ecbappeal.com

Attorneys for Plaintiff